

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY  D.C.

MAY 16 AM 9:11

ROBERT R. DITINDIO  
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W.D. OF TENN.

JAMES HULETT,

Plaintiff,

VS.

NO. 04-2759-Ma

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

ORDER GRANTING MOTION FOR REMAND

Before the court is defendant's March 22, 2005, motion for entry of judgment and remand of the case to the defendant.

On September 23, 2004, plaintiff filed this social security benefits appeal. Defendant filed an answer on December 1, 2004. On March 22, 2005, defendant filed a motion for entry of judgment and remand pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. §405(g). For good cause shown, the motion is granted.

The court remands this action to the Commissioner of Social Security so that an administrative law judge can further develop the record and issue a new decision. The appeals council has also agreed to remand this case to a different administrative law judge. Upon remand, the administrative law judge will do the following: (1) properly evaluate all medical opinion evidence, including that of plaintiff's treating physicians; (2) properly evaluate plaintiff's credibility and articulate legitimate reasons for the ALJ's findings; (3) if vocational expert testimony is used, the ALJ will properly develop the record according to Social Security Ruling

00-4p; (4) update medical evidence through the date plaintiff was last insured; and (5) obtain evidence from a medical expert regarding plaintiff's limitations through the date she was last insured.

It is so ORDERED this 13<sup>th</sup> day of May, 2005.

A handwritten signature in black ink, appearing to read 'S. H. Mays, Jr.', written over a horizontal line.

SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 12 in case 2:04-CV-02759 was distributed by fax, mail, or direct printing on May 17, 2005 to the parties listed.

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Honorable Samuel Mays  
US DISTRICT COURT